

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55297 of 2021

Arising Out of PS. Case No.-342 Year-2020 Thana- RAXAUL District- East Champaran

Shakeel Ansari, Son of Kalimullah Ansari, Resident of Village- Kaudihar
Chawk (Chota Pareuwa) P.S.- Raxaul Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with N.D.P.S. Case No. 38 of 2020, arising out of Raxaul P.S. Case No. 342 of 2020, for the offences punishable under Sections 27, 27A, 27b(A) of the Drugs and Cosmetics Act, 1940 and Section 22B of the NDPS Act.

As per the allegation as alleged in the F.I.R., on information having been received, a raid was conducted and medicines containing sedative were recovered from E-Rikshaw and two persons on the E-Rikshaw including this petitioner



were taken into custody.

It is submitted on behalf of the petitioner that it is not the case of the prosecution that narcotic substance in commercial quantity claimed to be seized from the possession of this petitioner. It is further submitted that even if the prosecution case is accepted, at best it is a case that the petitioner was found in possession of drugs without license. It is further submitted that the petitioner has no criminal antecedent and is in custody since 11.09.2020.

Counsel for the petitioner lastly submitted that co-accused, namely, Rakesh Mahto, who was also apprehended by the police, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 22566 of 2021 vide order dated 28.01.2022. A copy of which has been produced by the learned counsel for the petitioner, which is kept on record.

On the other hand, learned APP opposes the prayer for bail on the ground that huge quantity of sedative medicines were recovered.

Having considered the submissions made on behalf of the parties and taking into consideration the materials available on record that the sedative medicines containing narcotic which is not in commercial quantity and further the co-accused has



already been granted bail by a co-ordinate Bench of this Court and the petitioner is in custody since 11.09.2020, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of 3rd Additional Sessions Judge, -cum- Special Judge, NDPS Act, East Champaran, Motihari in connection with N.D.P.S. Case No. 38 of 2020, arising out of Raxaul P.S. Case No. 342 of 2020, with the following conditions:-

(I) The petitioner/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(ii) The petitioner/accused should cooperate the trial court in expeditious disposal of the trial against him.

(iii) The petitioner/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(Harish Kumar, J)

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